

REMARKS

Claims 1-19 are pending in the application. It is gratefully acknowledged that Claims 4-7, 10-14 and 17-19 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1, 3, 8 and 15 under 35 U.S.C. §102(e) as being anticipated by Parsa et al. (U.S. Patent 6,643,318). The Examiner has rejected Claims 2, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Parsa et al.

Initially, the Examiner has pointed out that there was an inconsistency contained in the prior Response. The Response stated that Parsa et al. “disclosed in FIG. 10 step 10 and its description” a particular element, but the citation referenced the provisional application of Parsa et al. and not the U.S. Patent. The Examiner is respectfully directed to the provisional application at FIG. 10, step 10 and the U.S. Patent 6,643,318 at col. 5, line 51 – col. 6, line 8, with respect to the foregoing discussion. Parsa et al. simply discloses that a mobile station exclusively selects the CPCHs based on the received broadcast available status data.

Turning now to the rejections of independent Claims 1, 8 and 15, the Examiner states that Parsa et al. discloses all of the elements recited in the claims. Parsa et al. discloses a hybrid DSMA/CDMA (digital sense multiple access/code divisional multiple access) method with collision resolution for packet communications. Each of Claims 1, 8 and 15 recite that the UTRAN assigns the channel to a UE. Parsa et al. discloses that which was known in the art and described in the prior art section of the present application, namely a system wherein the UE assigns the channel to the UE.

The channel allocation in the present invention includes a signature to be transmitted to a UE for channel assignment by a UTRAN, which means that the UTRAN participates in an assignment of CPCH. In particular, the present invention describes such a feature in Claims 1, 8 and 15 as follows: *“selecting one of a plurality of channel assignment signatures associated with the received access preamble signature in order to assign one of a plurality of physical common packet channels (PCPCHs) unused in the UTRAN...”*, *“determining a specific channel assignment signature from a plurality of channel assignment signatures so as to select one of a plurality of unused PCPCHs*

(physical common packet channels) depending on the received access preamble signature and a channel assignment signature...", and *"receiving a selected one of a plurality of channel assignment signatures from the UTRAN..."* which clearly indicate that the UTRAN participates in the assignment of the CPCHs. On the contrary, Parsa et al. suggests configurations that assign the CPCHs by signatures included in the respective access preamble and collision detection preamble transmitted from a base station to a mobile station as disclosed in FIG. 10 step 10 and its description. Accordingly, the base station of Parsa et al. does not directly participate in an assignment of a CPCH. Based on at least the foregoing remarks, withdrawal of the rejections of Claims 1, 8 and 15 is respectfully requested.

In the Response to arguments section of the Action, the Examiner states that he does not understand how Parsa et al. in its description of configurations that assign the CPCHs by signatures included in the respective access preamble and collision detection preamble transmitted from a base station to a mobile station, indicates that the base station does not directly participate in an assignment of a CPCH. Further, the Examiner cites Parsa et al. at col. 10, lines 33-36 to allegedly refute that the UTRAN does not participate in the assignment of the CPCHs. Each of Claims 1, 8 and 15 recites that the UTRAN performs the selection process. Parsa et al. discloses that the mobile station exclusively selects the CPCHs, even though the base station might act on that selection, while the performance of the selection/determination of the channels by the UTRAN is recited in the claims of the present application. Further, the claims of the present application disclose that the UTRAN assigns an available CPCH rather than a requested CPCH. Based on the foregoing withdrawal of the rejections of Claims 1, 8 and 15 is respectfully requested.

Independent Claims 1, 8 and 15 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 9 and 16, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 9 and 16 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-19, are believed

to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr